

**Charter and Ordinance Review Committee**  
**Meeting Minutes**  
**March 15, 2007**

The Bethany Beach Charter and Ordinance Review Committee held a meeting on Thursday, March 15, 2007 in the Town Meeting Room.

Members present: Tony McClenny, Chairman, who presided: Jerry Dorfman, Chuck Peterson, Fulton Loppatto, and Jim Etcechury. Excused: Dowell Anders, Paul Denault, and John Gaughan.

Also present: John Eckrich, Building Inspector; Lisa Kail, Town Clerk; JoAnna Nichols, Administrative Secretary and interested members of the public.

Call to Order

Mr. McClenny called the meeting to order at 2:00 p.m.

Approval of the Agenda

Mr. McClenny made a motion to Delete Item 6 (Town Code, Chapter 245-61). No objections were made and the motion was so moved.

Approval of the Minutes

Mr. Dorfman made a motion to approve the minutes as amended. Seconded by Mr. Peterson and unanimously approved.

New Business

Deleted from the agenda.

Old Business

Town Code, Chapter 232, Voting and Voter Registration in Compliance with Delaware Code  
Chairman McClenny distributed his proposed modifications to the current Delaware Municipal Election Law and suggested reviewing them side by side.

There were no objections.

Using the dialogue code below, the following changes were made and will be added to the Town Code:

**\*\* DE Municipal Election Law \*\***

**\*\* *Proposed changes from Chairman McClenny* \*\***

**II. §7550 General**

**e. Deadlines shall be no earlier than 4:30 p.m., local time.**

*Time of deadline not specified in Town Charter or Town Code, but is within the normal hours of business of the Town.*

The discussion of Absentee Ballots was being excluded from today's meeting, however, it was noted that the deadline for handling absentee ballots is 4:00 p.m.

**h. "The date & time of municipal elections, the offices up for election, and the terms of those offices shall be as provided in the municipality's charter and/or ordinance"**

*Dates and times of election are provided in the Town Charter § 5.4.5. (a). The offices up for election are provided in the Town Charter §5.2.1 Terms of office are provided in the Town Charter §5.3*

Committee members agreed to add that the term of office is 2 years.

**k. "A municipality shall contract with the Department of Elections to conduct an election to elect members of the municipality's government at least 60 days prior to the date of the election"**

*Requirement to be met by the Town office who shall contract with the Department of Elections"*

Chairman McClenny asked Town Clerk, Lisa Kail if this was in writing. Ms. Kail stated it was not, but should and will be.

**III. 7551 Boards of Election; appointment, authority**

**b. "Members of municipal Boards of Elections shall be qualified electors in the municipality for which they are appointed and shall not be an elected official or candidate or an immediate family member of an elected official or candidate (mother, father, son, daughter, brother, sister, including half-brothers and sisters, stepfamily members an in-laws).**

*Town Charter §5.4.5. (f) partially meets this requirement*

Committee members agreed to include the State code requirements in the Charter.

**c. "Members of municipal Boards of Elections shall serve terms as provided in the municipality's charter code"**

*Our Town Code does not specify a term, rather it implies they serve indefinitely. It is suggested the Town Code be modified to meet this and subsequent state requirements. This entire text item could be inserted as §232-12 (A) "Board of Elections Term of Office".*

Committee members agreed to add this to the code, as well as adding to the sentence, "Board of Elections Term of Office **is 2 years**".

**d. "Upon confirmation of a member to a municipality's Board of Elections, the municipality shall issue a Certificate of Appointment to the member and the member shall swear or affirm the following oath orally and in writing: I, \_\_\_\_\_, do solemnly swear" etc.**

*The specified oath could be incorporated into the same section as item §232-12 (B) "Oath of Office".*

Committee members agreed to add this to the Town Code.

*e. The section on electioneering is listed in paragraph 10 of this document.*

This was marked for discussion later.

**j. "Municipalities shall post the names and contact information for its Board of Elections in the city/town hall or in the building where the municipal government meets, and on the municipality's website if it has one"**

*This action should be listed in the recommended new Town Code §232-12 as item (c) "Board of Elections Contact Information".*

Committee members agreed to add this to the Town Code.

#### **IV. 7552 Complaint Procedure**

*a. This entire section should be listed in the recommended new Town Code §232-12 as item (D) "Board of Elections Complaint Procedure"*

Committee members agreed

#### **V. 7553 Notices; posting; publishing, deadlines; election calendar**

Committee members agreed to add sections (b) – (f) which clearly explains posting, publishing, deadlines, and the election calendar to the Town Code.

#### **VI. 7554 Voter Eligibility**

*c. Town Code 232-2 and 232-3 provide reasonable opportunity to register to vote, but it appears that no code specifies the Town shall publish and post a schedule of when one may register to vote.*

Committee members agreed to post a schedule of when someone may register to vote to the Town Code.

*d. The Bethany Beach Town Code § 232-27 Proof of identity required does not meet all the State listed identifications.*

Committee members agreed to replace this section with the exact wording from the DE Code.

#### **VII. 7555 Candidates; eligibility; declaration of candidacy**

*c. (1) Town Charter §5.2.1 meets this requirement*

*(2) We meet the age requirement, but do not meet the tenure requirement and it is suggested that we modify our Town Charter to meet the requirement.*

*(3) The comments in item (2) apply to this entry as well.*

*Committee members agreed to add the term of "1 year" under the tenure requirement to the Town Code.*

**d. "A candidate for municipal office shall file a Certificate of Intention or a Statement of Organization establishing a campaign committee with the**

**Commissioner of Elections no later than seven (7) days after declaring his candidacy. A Certificate of Intention is submitted by a candidate when the yearly salary of the office for which he has filed a Declaration of Candidacy is less than \$1,000 or who does not intend to receive more than \$2,000 in contributions or expend more than \$2,000 for campaign expenses during the campaign pursuant to §8004, Chapter 80, Title 15 of the Delaware Code. Otherwise, no later than seven (7) days after making expenditures of receiving contributions on behalf of the candidate or committee, the candidate shall notify the Commissioner and file a Statement of Organization”.**

*d. The town does not appear to have this requirement in the Town Code, but this form is provided to each candidate by the Town Office.*

Committee members agreed this should be added into the Charter.

**e. Excepting candidacies otherwise provided for in the town charter and which have complied with the provisions of paragraph (d) of this Section within five (5) days after the election, the Board of Elections of a municipality shall declare a candidate who has failed to comply with the provisions of paragraph (d) of the Section ineligible to be a candidate and shall order his name removed from the ballot subject to the appeal provisions of §7552. Administrative errors or oversights by municipal or state officials shall not be grounds for declaring a person ineligible to be a candidate”.**

Committee members agreed to add this section to the Code.

Committee members agreed that letters “g” through “h” should be added into the Town Code as they related to Town Office Procedural Items.

#### **VIII. §7556 Absentee Voting**

Committee members agreed to further discuss this at a future CORC meeting.

#### **IX. §7557 Election Officers; appointment; responsibilities; training**

Committee members agreed that letters “a” through “e” should be added to the Town Code.

#### **X. §7558 Conduct of the election**

Committee members agreed that letters “a” through “l” should be added to the Town Code.

#### **XI. §7559 Election results; recounts; contests**

Committee members agreed to list this section in the Town Code 232-12 as item (G)(11) “Election results; recounts; contests”.

**XII. §7560 Transition** – This information will NOT be incorporated into the Town Code.

In closing, Chairman McClenny stated at next month's meeting, committee members are welcome to discuss any changes made today.

Second, as "homework", Chairman McClenny asked that everyone learn what the States requirements are regarding absentee voting, as this would be helpful for discussion next month.

Mr. Peterson made a motion to adjourn the meeting at 3:15 p.m. Seconded by Mr. Dorfman and all were in favor.

The next meeting is scheduled for Thursday, April 19, 2007, at 2:00 p.m.

Respectfully Submitted,

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JoAnna Nichols  
Administrative Secretary

Mr. Peterson made a motion to adjourn the meeting at 3:20 p.m. Seconded by Mr. Etcechury and all were in favor.

The next meeting is scheduled for Thursday, July 19, 2007, at 2:00 p.m.

Respectfully submitted:

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